



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 10, 2023

Via ECF

The Honorable Sarah L. Cave
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Monteray Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*, No. 19 Civ. 9193 (PGG) (SLC) (S.D.N.Y.)

Dear Judge Cave:

I write on behalf of the U.S. Department of the Army (the “Army”) and the U.S. Department of the Air Force (the “Air Force”) to update the Court on the status of the Army and the Air Force’s responses to Ambac Assurance Corporation’s (“Ambac”) *Touhy* requests, as requested by the Court’s order dated December 27, 2022. *See* Dkt. No. 586.

Army *Touhy* Request. As noted in the Army’s last status report, the Pentagon Joint Service Provider has identified archival emails from an account associated with Barry Scribner, a Jones Lang LaSalle witness who previously worked at the Pentagon. Currently, the Army is continuing to work with the Pentagon Joint Service Provider to determine the scope and responsiveness of those records. The Army expects to have collected these records shortly and intends to reach out to Ambac to discuss the production of any potentially responsive records promptly thereafter.

Air Force *Touhy* Request. During its initial review of Ambac’s broad *Touhy* request, the Air Force had difficulty determining what aspects of Ambac’s request had not yet been largely or completely satisfied by earlier productions of hundreds of gigabytes of Air Force records by Jones Lang LaSalle—the primary custodian of relevant Air Force documents in this matter. As such, this Office met and conferred with counsel for Ambac on December 29, 2022, to determine what specific lapses Ambac had identified in the Jones Lang LaSalle records, to prevent the collection and production of duplicative records. Ambac promptly provided additional guidance on the records it was seeking and on the sources of Air Force records from which Jones Lang LaSalle had previously made productions. The Air Force is now searching for responsive records, but its search has been slowed by the fact that the Air Force offices and personnel with responsibilities for the records sought no longer exist or are no longer with the Air Force. The Air Force is nevertheless in the process of conducting its search and expects to have an update on the results of that search by the end of next week.

Deposition Requests. As previously indicated, the deposition of Ian Clark is scheduled to take place tomorrow at Quinn Emmanuel’s D.C. office. With respect to Ambac’s 30(b)(6) deposition request, the Army informed Ambac on January 6, 2023, that its fifty-four topics were

too broad for the Army to meaningfully prepare witnesses to testify about. On January 9, 2023, this Office met and conferred with counsel for Ambac. Ambac agreed to provide additional specificity on several of its broader topics to enable the Army to better understand the nature of the information Ambac is seeking through its deposition request. In addition, the Army agreed to reevaluate Ambac's 30(b)(6) request to determine whether any of the topics contained therein were acceptable without modification. We expect to continue these conversations soon.

I thank the Court for its attention to this matter.

Respectfully submitted,

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